

Remarks

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 1, 3, 6-8, 10, and 14-16 are pending in the application, with 1, 8 and 10 being the independent claims. Claims 2, 4, 5, 9, and 11-13 are sought to be cancelled without prejudice to or disclaimer of the subject matter therein. No new claims are sought to be added. These changes are believed to introduce no new matter, and their entry is respectfully requested.

Based on the above amendment and the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

Rejections under 35 U.S.C. § 102

Claims 1 and 3 have been rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,543,831, entitled *Optical Pressure Transducer*, issued to Wolfgang Meyer on Oct. 1, 1985 ("Meyer Patent"). Applicants respectfully traverse.

As amended herein claim 1 includes the element of "a light receiver, wherein the light transmitting source splits a light into a first light transmitted directly to the light receiver and into a second light transmitted to the first side of the diaphragm that is reflected to the light receiver." The Meyer Patent does not teach, suggest or disclose this element. In fact, the Meyer Patent teaches away from this element in that the Meyer Patent teaches a light source reflecting off of both sides of a diaphragm and does not teach directly transmitting light from a light source to a receiving source

to form a reference metric. Meyer at Fig. 1. For at least this reason, claim 1 is patentable over the Meyer reference. Reconsideration and allowance of claim 1 is respectfully requested.

Claim 3 has been cancelled, rendering the rejection of claim 3 moot.

Claims 12 and 13 have been rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,550,592, entitled *Pneumatic Gauging Circuit*, issued to Michel L. Dechape on May 7, 1984 ("Dechape Patent"). Applicants respectfully traverse.

Claims 12 and 13 have been cancelled, rendering these rejections moot.

Rejections under 35 U.S.C. § 103

Claims 4-7 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over the Meyer Patent in view of U.S. Patent No. 6,496,265, entitled *Fiber Optic Sensors and Methods Therefor*, issued to Duncan et. al. on Feb. 15, 2001. ("Duncan Patent"). Applicants respectfully traverse.

Claim 4 and 5 have been cancelled, rendering the rejection of claims 4 and 5 moot.

Claim 6 depends upon amended claim 1. As amended herein claim 1 includes the element of "a light receiver, wherein the light transmitting source splits a light into a first light transmitted directly to the light receiver and into a second light transmitted to the first side of the diaphragm that is reflected to the light receiver." As discussed above, the Meyer Patent does not teach, suggest or disclose this element. Similarly,

the Duncan Patent does not teach, suggest or disclose this element. Rather than provide a direct and reflect light path to determine a distance, the Duncan Patent uses two reflected light paths of a light beam having a single wavelength and phase. Duncan Patent at Fig. 8. Thus, for at least this reason claim 6 is patentable over the combination of the Meyer and Duncan Patents. Reconsideration and allowance of claim 6 is respectfully requested.

Claim 7 depends on independent claim 1. Because each dependent claim incorporates all of the elements of the independent claim from which it depends, as well as additional features, the above arguments apply a fortiori to the dependent claims. Thus, claim 7 is patentable over the Meyer and Duncan Patent for the reasons discussed herein. Reconsideration and allowance of claim 7 is respectfully requested.

Claim 8 is rejected under 35 U.S.C. § 103(a) as being unpatentable over the Meyer Patent and Duncan Patent in view of U.S. Patent No. 5,880,841, entitled *Method and Apparatus for Three Dimensional Imaging Using Laser Illumination Interferometry*, issued to Marron et. al. on Sep. 8, 1997. ("Marron Patent"). Applicants respectfully traverse.

As amended, claim 8 includes the elements of "a first light transmitting source outputting a first light at a first wavelength toward the first surface of the diaphragm and a second light emitting source outputting a second light at a second wavelength toward the first surface of the diaphragm." As discussed above the Meyer Patent teaches two light beams that impinge on opposite sides of a diaphragm, which directly conflicts with the approach used in claim 8 of having the light beams infringe on a

single surface. For at least this reason, amended claim 8 is patentable over the combination of the Meyer Patent, Duncan Patent and Marron Patent. Reconsideration and allowance of claim 8 is respectfully requested.

Claim 9 is rejected under 35 U.S.C. § 103(a) as being unpatentable over the Meyer Patent in view of U.S. Patent No. 6,105,436, entitled *Capacitive Pressure Transducer with Improved Electrode Support*, issued to Lischer et. al. on Jul. 23, 1999. ("Lischer Patent"). Applicants respectfully traverse.

Claim 9 has been cancelled, rendering this rejection moot.

Claims 10 and 11 are rejected under 35 U.S.C. § 103(a) as being unpatentable over the Dechape Patent in view of U.S. Patent No. 4,953,388, entitled *Air Gauge Sensor*, issued to Andrew H. Barada. on Jan. 25, 1989. ("Barada Patent"). Applicants respectfully traverse.

As amended herein claim 10 includes the element of "a light receiver, wherein the light transmitting source splits a light into a first light transmitted directly to the light receiver and into a second light transmitted to the first side of the diaphragm that is reflected to the light receiver." Neither the Barada Patent or the Dechape Patent suggest or disclose this element. Furthermore, as discussed previously, neither the Meyer or Duncan Patents suggest or disclose this element. Thus, for at least this reason claim 10 is patentable over the Barada, Dechape, Meyer and Duncan Patents, and their combination. Reconsideration and allowance is respectfully requested.

Claims 11-13 have been cancelled rendering the rejection of these claims moot.

Claims 14-16 depend on independent claim 1. Because each dependent claim incorporates all of the elements of the independent claim from which it depends, as well as additional features, the above arguments apply a fortiori to the dependent claims. Thus, claims 14-16 is patentable over the cited references for the reasons discussed herein. Reconsideration and allowance of claims 14-16 is respectfully requested.

Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is
respectfully requested.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

A handwritten signature in black ink, appearing to read "Michael D. Specht".

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